

REMARKS

Claims 78-105 are pending in this application. In an Office Action dated January, 21, 2011, the Examiner objected to the Information Disclosure Statement filed on November 22,, 2010 under 37 C.F.R 1.98(a)(2) for failing to include a legible copy of each cited foreign reference. The Applicant includes herewith copies of those references and respectfully requests that the Examiner consider the references listed in the enclosed PTO-1449 form.

The Applicants respectfully note that they have amended the claims to correct minor informalities and broaden the scope of the pending claims and the inventions claimed therein. No amendments were made to overcome prior art. No new matter has been added. For example, the Applicants have removed “wherein the headend control computer receives messages from one or more of the CPE units and transfers them to a service provider control subsystems, and the headend control computer receives messages from the service provider control subsystem and transports them to the CPE units” from the independent claims.

In addition, the Examiner rejected claims as being obvious in view of U.S Patent No. 5,963,557 and one or more of US 2003/0143946 and U.S. Patent No. 5,625,628. The Applicant respectfully disagree.

In particular, there is no teaching in any of the cited references, alone or in combination, to sending the request queue update message to one or more of the CPEs as recited in the independent claims. The request queue update message includes the request for transmission intervals received from one or more of the CPEs. One or more of the requests are sent on the downstream channel to one or more of the CPEs. An example of such an embodiment is described at page 4, paragraphs 48 and/or 56.

In contrast, the '557 patent describes writing a control bit indicating an assigned slot and not the request for a transmission interval. *See e.g., '557 patent at Col. 8:49-65.* The remaining cited art does not cure the defects of the '557 patent. Accordingly, the Applicants respectfully request withdrawal of the rejections to the claims.

CONCLUSION

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to Deposit Account No. 12-0415.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (and any enclosure referred to in this paper) is being transmitted electronically to the United States Patent and Trademark Office on July 21, 2011 by

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Respectfully submitted,

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